



MURPHY & GRANTLAND, P.A.

Peter E. Farr
Direct dial 803-454-1234
pfarr@murphygrantland.com

August 1, 2017

V. Claire Allen
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29201

Re: Tina Kelly individually, and as Guardian ad Litem of Z.G. a minor, vs. Harold E. Morris

Claim No.: 391402841
Civil Action No: 2016-CP-04-0633
Appellate Case No.: 2017-001202
Insured: Harold E. Morris
Date of Loss: July 15, 2014
Our File No.: 2100-0527

RECEIVED

AUG 03 2017

SC Court of Appeals

Dear Ms. Allen:

The parties were able to resolve this matter, thereby making the appeal moot. Please accept this letter as a withdrawal of the appeal. The judgement on which the appeal is based is being vacated with a full Stipulation of Dismissal of the underlying action.

I trust this updates you on this matter. Please do not hesitate to contact me with any questions or comments you may have about the appeal being withdrawn and in additional information or documentation you need from me. I am attaching a copy of the filed Stipulation of Dismissal to this letter so that you may have it for your record.

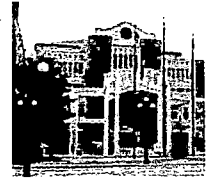
Very truly yours,

Peter E. Farr

PEF/ljb
Cc: David Price, Esquire



Anderson County Tenth Judicial Circuit Public Index



Anderson County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Tina Lynn Kelly , plaintiff, et al VS Harold E Morris , defendant, et al					
Case Number:	2016CP0400633	Court Agency:	Common Pleas	Filed Date:	03/17/2016
Case Type:	Common Pleas	Case Sub Type:	Motor Veh Accid 320	File Type:	Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Other / Circuit Civil	Disposition Date:	07/28/2017	Disposition Judge:	Clerk Of Court C P, G S, And Family Court
Original Source Doc:		Original Case #:		Restore Reason:	Reopened Case
Judgment Number:	2016CP0400633	Court Roster:			

Case Parties	Judgments	Tax Map Information	Associated Cases	Actions	Financials		
For:	Kelly, Tina Lynn	Against:	Morris, Harold E	Judg. Amount:	\$75,000.00	Judgment Date:	11/29/2016
Description:	Judgment/Judgment	Disposition:	Vacated	Disp. Date:	07/28/2017	Date Entered/Last Changed	11/29/2016 -- 07/28/2017
Notes:	\$25,000 from liability carrier and \$50,000 from USAA						
Judgment Details							
Claims Code	Detail Desc.			Detail Amount		Detail Date	
None							

CMSWeb 6.1 © 2013 South Carolina Judicial Department • All rights reserved

RECEIVED

AUG 03 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF ANDERSON

CIVIL ACTION NO: 2016-CP-04-0633

Tina Kelly individually and as Guardian ad Litem of Z.G. a minor,

Plaintiff,

v.

Harold E. Morris,

Defendant.

STIPULATION OF DISMISSAL

The above-referenced matter having been settled by the parties as to all claims, the undersigned as attorneys for the parties herein, hereby stipulate that any entered monetary judgments as to any party be vacated and the Complaint be dismissed in its entirety with **prejudice**.

s/ David Price

David R. Price, Jr., Esquire
David R. Price, Jr., P.A.
P.O. Box 2446
Greenville, SC 29602
(864) 271-2636

Attorney for Plaintiff

7/27, 2017

s/ Peter Farr

Peter E. Farr, Esquire
Murphy & Grantland, P.A.
P.O. Box 6648
Columbia, SC 29260
(803) 782-4100

Attorney for Defendant

7/27, 2017

RECEIVED

AUG 03 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

Tina Lynn Kelly, as parent and) Docket Number: C.A. No. 2016-CP-04-0633
Guardian *ad Litem* of Z.G. a minor)
fourteen (14) years of age,)
)
Plaintiff,)

vs.)

**ORDER APPROVING
MINOR SETTLEMENT**

Harold E. Morris,)
)
Defendant.)
_____)

THIS MATTER comes before me on the verified Petition of Tina Lynn Kelly; Guardian *ad Litem* and mother of the minor Plaintiff, Z.G., in the above-referenced action, praying approval by this Court of an offer of settlement made by the Defendant. At a hearing held before me on this date, it appeared that on or about July 15, 2014, when the minor was in a motor vehicle collision involving a vehicle being occupied by the minor and another vehicle being driven by Defendant Harold E. Morris. The minor Plaintiff, Z.G., sustained injuries as a result of this accident. The Petitioner states, however, that she believes the minor Plaintiff has reached maximum medical healing.

First Acceptance Insurance Company provided liability insurance coverage to the Defendant herein, pursuant to policy number CSSC000057682 issued to Harold Morris, with limits of \$25,000.00/\$50,000.00.

The Petitioner has previously been appointed Guardian *ad Litem* for and in anticipation of commencing actions in this Court.

RECEIVED

AUG 03 2017

SC Court of Appeals

While the Defendant admits that an accident occurred, the Defendant denies that the injuries suffered by the minor Plaintiff, Z.G., were the result of any negligence or recklessness on Defendant's part.

In spite of the Defendant's denial and in the spirit of compromise, however, First Acceptance Insurance Company, on behalf of the Defendant has offered to settle the minor's claim for liability coverage in the total sum of **TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS**, to be paid by First Acceptance Insurance Company on behalf of the Defendant to the Petitioner for the minor Plaintiff, in trust, as parent and court-appointed Guardian *ad Litem*, for the minor Plaintiff's sole use and for medical expenses, past and future, incurred for the treatment of the minor Plaintiff, Z.G., as a result of this accident, and for any and all other claims which the Petitioner and/or the minor Plaintiff might have against Harold E. Morris, First Acceptance Insurance Company, their agents, servants, employees, successors, heirs, executors, administrators and assigns as a result of injuries sustained by the minor Plaintiff in this accident, in exchange for a full and final Release.

The Petitioner, as Guardian *ad Litem* of the minor Plaintiff, Z.G., is represented by Attorney David R. Price, Jr., of Greenville, South Carolina.

As a result of this accident, the Petitioner stated that the minor Plaintiff and the Guardian *ad Litem* on behalf of the minor Plaintiff have incurred medical bills, liens and expenses, as well as attorney's fees and costs, all as denoted in the Disbursement Statement provided by Plaintiff's attorney, which is attached hereto and made a part hereof as Exhibit A. The Petitioner stated that she agrees that these amounts shall be satisfied out of the

proceeds of this settlement, and further represents all known outstanding medical bills, liens and expenses were satisfied from the proceeds of the settlement with Plaintiff's UIM carrier that was approved in this matter by prior Order of this Court filed January 31, 2017.

The Petitioner stated and agrees that she shall be responsible for paying any and all other outstanding bills of medical providers or other providers incurred for or on behalf of the minor Plaintiff, Z.G., as a result of this accident. The Petitioner further agrees that she will be responsible for satisfying any and all medical or other liens held by any and all third-party medical or other providers, should they exist, and that any known outstanding bills and liens will be satisfied out of the proceeds of this settlement, and that neither the Defendant nor First Acceptance Insurance Company will be responsible for these liens, bills or expenses.

The Petitioner stated that she believes the proposed settlement is fair and just and that it would be in the best interest of the minor Plaintiff to accept this settlement without the additional delay and expenses of further litigation. The Petitioner understands that if the proposed settlement is approved, the minor Plaintiff and the Petitioner would be forever barred from making any further claims against Harold E. Morris, First Acceptance Insurance Company, their agents, servants, employees, successors, heirs, executors, administrators and assigns as delineated in the Release as a result of the aforementioned accident.

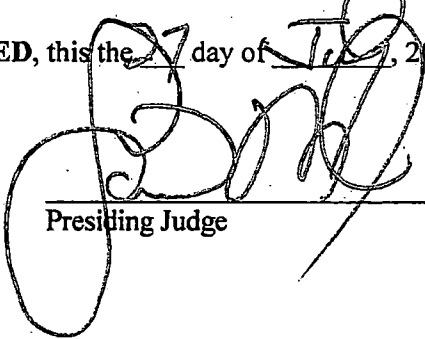
It appears that the Petitioner has been fully advised and informed as to the issues herein considered. It further appears that the ultimate result of this litigation would be uncertain and that under the circumstances, the settlement proposal among the parties hereto is fair and just and in the best interest of the minor Plaintiff. Accordingly, it is hereby

ORDERED, ADJUDGED AND DECREED that the settlement proposal set forth hereinabove and in the Petitioner's Petition shall be and hereby is approved and that upon payment of the total sum of **Twenty-Five Thousand and No/100 (\$25,000.00) Dollars**, as **specified hereinabove**, the Petitioner, for and on behalf of the minor Plaintiff, is hereby authorized and directed to execute a full and final Release in favor of Harold E. Morris and First Acceptance Insurance Company, their agents, servants, employees, successors, heirs, executors, administrators and assigns, which shall be binding upon the minor Plaintiff and the Petitioner, arising out of the incidents herein. ~~I find the amount being paid on behalf of the minor Plaintiff does not warrant the appointment of a conservator and order the settlement proceeds to be paid to the Guardian ad Litem on behalf of the minor Plaintiff.~~

RUM

AND IT IS SO ORDERED, this the 27 day of July, 2017, in 2017.

Anderson South Carolina.



Presiding Judge

**EXHIBIT A
Full and Final Disbursement Schedule**

Liability Settlement Amount:		\$25,000.00
Underinsured Motorist Settlement Amount (Previously Approved):		<u>\$10,000.00</u>
TOTAL SETTLEMENT AMOUNT:		\$35,000.00
LESS TOTAL ATTORNEY'S FEE:		\$11,666.67
First Disbursement:	\$3,333.33	
Second Disbursement:	\$8,333.34	
LESS TOTAL COSTS ADVANCED:		\$1,953.88
First Disbursement:	\$388.67	
Second Disbursement:	\$1,565.21	
TOTAL FEES AND COSTS:		\$13,620.55
First Disbursement:	\$3,722.00	
Second Disbursement:	\$9,898.55	
LESS MEDICAL PROVIDERS & SUBROGATION LIENS PAID:		
St. Francis Hospital	\$1,285.00	(Reduced from \$2,994.00)
St. Francis Physicians	\$657.00	
Upstate Carolina Radiology	\$28.25	
Piedmont Orthopaedics	<u>\$28.40</u>	
Total	\$1,998.65	(PAID FROM UIM SETTLEMENT)
NET AMOUNT TO MINOR:		\$19,380.80
First Disbursement:	\$4,279.35	
Second Disbursement:	\$15,101.45	

RECEIVED
AUG 03 2017
SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 31, 2017

Mr. Peter E. Farr, Esquire
PO Box 6648
Columbia SC 29260

Re: Tina Kelly v. Harold Morris
Appellate Case No. 2017-001202

RECEIVED

AUG 03 2017

SC Court of Appeals

Dear Counsel:

Our records indicate that the transcript in the above matter should have been delivered. As of today's date, we have not received any information indicating that the court reporter has been granted an extension. Further, you have not notified us that you have failed to receive the transcript, nor have we received your initial brief.

If you have not yet received the transcript, Rule 207 of the South Carolina Appellate Court Rules requires you to contact the Office of Court Administration. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Be sure to copy the Court and opposing counsel with all correspondence concerning the transcript.

2110-0527

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

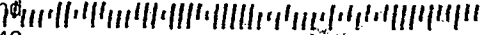
Very truly yours,

Vi Claire Allen, Deputy

CLERK

cc: David Richard Price, Jr., Esquire

Murphy & Grantland
Post Office Box 6648
Columbia, SC 29260



29211 6291311252

neopost
08/02/2017
US POSTAGE

FIRST-CLASS MAIL
\$00.67⁰



ZIP 29206
041L11237292

V. Claire Allen
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29201

RECEIVED
AUG 08 2017
SC Court of Appeals